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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/615,130 07/08/2003 Dennis R. Zander 87054.000006 8068 23387 7590 10/18/2005 **EXAMINER** Stephen B. Salai, Esq. MCCARRY JR, ROBERT J Harter, Secrest & Emery LLP ART UNIT PAPER NUMBER 1600 Bausch & Lomb Place Rochester, NY 14604-2711 3617

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply			Application No	Applica	ant(s)	
Robert J. McCarry, Jr. 3617			10/615,130	ZANDE	ZANDER, DENNIS R.	
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13(b), no avent, hower, may analybe be limited field after 63X, 69 MONTH form the mailing date of this communication. In a cover, thrower, may analybe thrifted after 63X, 69 MONTH form the mailing date of this communication. In a cover, thrower, may analybe thrifted after 63X, 69 MONTHS from the mailing date of this communication. Failur to reject within the sort or adminished brain of the mailing date of this communication. Failur to reject within the sort or adminished brain of the mailing date of this communication, even if limity filled, may reduce any seamed patent than adjustment. Set 37 CFR 1.75(b). Status 1) Sepanding the mailing date of this communication, set of this communication, even if limity filled, may reduce any seamed patent than adjustment. Set 37 CFR 1.75(b). Status 1) Sepanding the mailing date of this communication, even if limity filled, may reduce any seamed patent than adjustment. Set 37 CFR 1.75(b). Status 1) Sepanding the mailing date of this communication, even if limity filled, may reduce any seamed patent than adjustment. Set 37 CFR 1.75(b). Status 1) Sepanding the mailing date of this communication, even if limity filled, may reduce any seamed patent than adjustment. Set 37 CFR 1.75(c). Status 1) Sepanding the mailing date of this communication, even if limity filled, may reduce any seamed patent than adjustment than adjustment than a communication. 2) Claim(s) 1.25 Is/are pending in the application. 4) Claim(s) 1.25 Is/are rejected. 7) Claim(s) 1.25 Is/are rejected. 7) Claim(s) 1.25 Is/are rejected. 8) Claim(s) 1.25 Is/are rejected. 9) The specification is objected to b		Office Action Summary	Examiner	Art Uni	t	
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DETAILED ACTION

The Examiner has acknowledged the renumbering of the claims. The claims now read as 1-27.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al (US 6,025,789) in view of Quinn et al (US 5,492,290) further in view of Jenks (US 3,163,125).

Lane et al discloses a model train sensor and signal comprised of a UHF receiver 10, which detects a remote signal from a train and determines the proximity of the train. The receiver sends the signal to a microcontroller 30, which monitors the time of the signal, received by the train and then activates a visual and audible signal. When a signal is transmitted it is in the form of a yellow signal 44 showing that a signal is being received and monitored for a predetermined length of time set by the microcontroller 30. When the predetermined time is met the microcontroller interprets a train is in the controlled path and lights a red signal 48, which shows other trains in the system to stop. When the microcontroller determines the train has passed the red signal is deactivated and a green signal 52 is then activated, showing other trains in the system

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that it is safe to precede. The flowchart of figure 2 shows the step by step functioning of the system.

Lane et al discloses a proximity detector and signaling system as described above. However, Lane et al does not specifically state that the system is used with a model train. Quinn et al discloses a proximity control system for a model train system. It would have been obvious to one of ordinary skill in the art to have used the reference of Quinn et al as a teaching to show that proximity sensing systems, like that of Lane et al, can be used in model train systems.

Lane et al discloses a proximity detector and signaling system as described above. However, Lane et al does not disclose the use of a semaphore as a type of signal. Jenks discloses a semaphore arm 11 having red, yellow and green filters mounted on opening 13, 14 and 15 respectively and pass over a light when the arm of the semaphore moves. It would have been obvious to one of ordinary skill in the art to use a semaphore as a type of signal to show that a part of the train system is empty and safe for a vehicle to proceed or to show that the system is full and stop the vehicle.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al (US 6,025,789) in view of Bonanno (US 2,925,584).

Lane et al discloses a proximity detector and signaling system as described above. However, Lane et al does not disclose the use of a swinging banjo as a type of signal for the vehicles. Bonanno discloses a swinging banjo signal to signal for trains to precede or stop at a certain point on a train system. When a train passes and energizes the circuit of the banjo signal the signal will swing to show that it is unsafe for another

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train to proceed. When there is no train to energize the circuit the banjo will sit stationary to show that it is safe to proceed through the system. It would have been obvious to one of ordinary skill in the art to use a swinging banjo as a type of signal for trains to convey a stop signal or a proceed signal.

Response to Arguments

Applicant's arguments with respect to claims 1-9 have been considered but are most in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 10-27 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (571) 272-6683. The examiner can normally be reached on Monday through Friday 7:00am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Robert J. McCarry, Jr

Examiner Art Unit 3617

RJM October 5, 2005

> S. JOSEPH MORANO SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600

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